

**MINUTES
UTAH
PROFESSIONAL ENGINEERS
AND
PROFESSIONAL LAND SURVEYORS
LICENSING BOARD
MEETING**

November 10, 2004

**Room 210 – 2nd Floor – 9:00 A.M.
Heber Wells Building**

CONVENED:	9:00 A.M.
ADJOURNED:	12:05 P.M.
CONDUCTING:	Scott F. McNeil, Chairman
MEMBERS PRESENT:	David E Wesemann Scott F. McNeil Von R. Hill Jonathan Richards Stanley S. Postma
MEMBERS ABSENT:	Hardin Whitney Kim Harris
DIVISION STAFF:	Dan S. Jones, Bureau Manager Ann Naegelin, Board Secretary Wayne Jeppson, DOPL Investigator Craig Jackson, DOPL Director Chris Keyser, Public Information Officer
GUESTS:	
<u>TOPIC OF DISCUSSION:</u>	<u>DESCISIONS/RECOMMENDATIONS:</u>
MINUTES	Minutes of the September 15, 2004 meeting were approved as written.
WAYNE JEPPSON, INVESTIGATOR	Mr. Jeppson met to report on his investigations. He has closed 47 cases in 2004.

BLAINE SCOTT BERRY
PROBATION INTERVIEW

Mr. Jeppson discussed Professional Engineers doing structural engineering. A person can practice in an area that they have training and experience and are competent.

Mr. Berry met with the Board for his first probation interview. Mr. Berry said the Stipulation indicates that this is not disciplinary action. He would like to request a hearing before the Board. He agrees to continue meeting the terms of the Stipulation at this time. Mr. Jones read from the Stipulation and Order regarding Mr. Berry's disagreement that his practice was unprofessional conduct.

Mr. Berry is currently working for Forsgren and Associates. He has a small practice in his home. His main practice is in the area of construction services. He submitted a list of all projects he has signed and sealed and any that are in progress. His work at Forsgren and Associates has included a golf course in California. He is acting as the contract administrator. He has not signed or sealed anything at Forsgren & Associates since he signed the Stipulation. He will be construction manager of a water waste treatment plant in Burley, Idaho. He is working on a project near Sundance. He does not anticipate stamping anything for Forsgren & Associates in the next two years. Mr. Postma requested that he include these types of things to his reports.

Mr. Berry was reminded that he will need to meet with the American Counseling Engineers Council of Utah Ethics Committee.

Mr. Postma made a motion to request Mr. Berry to meet again in March 2005. He will need to submit his quarterly report, including his work at Forsgren and Associates, and that he has met with the

ACEC Ethics Committee. Mr. Richards seconded the motion. Vote was unanimous.

RULE CHANGE

The changes to the rules proposed at the last meeting were discussed. The language in the proposed rule contradicts the statute and would be improper rules making. The changes will need to be made to the statute. Mr. Postma made a motion that should the act be opened, reasonable terms will be established for reinstatement of a license, such as requiring continuing education. Mr. Wesemann seconded the motion. Vote was unanimous.

Mr. Jones submitted changes to the rules. Most of the changes are to conform to the model rules.

EDUCATION AND ENFORCEMENT FUND UPDATE

The Board will review the balance of the Education and Enforcement Fund at their next meeting.

MEMBERS NAMES TO NCEES

All Board members present gave permission for their names and addresses to be released to NCEES.

Date

Scott McNeil, Chairman

Date

Dan S. Jones, Bureau Manager